## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	П	Force	<u> </u>	Discourt.	□ U.S.
Harold Rodriguez		Squad #1	201903132	_	Abuse	<u></u>	O.L.	☐ Injury
That old Rodinguez		Squad #1	201703132	v	Tiouse	<u> </u>	0.2.	
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Saturday, 02/11/2017 7:00 PM					52	8,	/11/2018	8/11/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB
Tue, 04/02/2019 9:30 AM		IAB	Social Media		Thu, 04/11	/2019	9 11:08 AM	I
Complainant/Victim	Туре	Home Addre	ess		•			
Subject Officer(s)	Shield	TaxID	Command					
1. POM Juan Gomez	27475	953916	052 PCT					
2. SGT Charles Cavallaro	04758	938197	052 PCT					
3. POM Jose Santiago	30357	932215	052 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Joel Ayala	08262	954509	052 PCT					
2. POM James Tobin	04354	951340	052 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.SGT Charles Cavallaro	Abuse: S § 87(2)(b)	ergeant Charles Cavalla	aro entered in the Bronx.					
B.SGT Charles Cavallaro	Abuse: S § 87(2)(b)	ergeant Charles Cavalla	aro searched in the Bronx.					
C.POM Jose Santiago	Discourte discourte	esy: Police Officer Jose ously to \$87(2)(b)	Santiago spoke					
D.POM Jose Santiago		olice Officer Jose Santi s dog with the use of fo		o)				
E.POM Jose Santiago	Off. Lang to § 87(2)(b)	guage: Police Officer Jo based upon th	ose Santiago made re- ne gender of § 87(2)(b)	mar	ks			
§ 87(4-b), § 87(2)(g)								

**Case Summary** Detective William Arata from IAB filed the following complaint on behalf of \$87(2)(b) April 2, 2019. Det. Arata generated the complaint after he saw a New York Daily News article (Board Review 01) about this incident featuring \$87(2)(b) and his attorney, \$87(2)(b) complaint was received at the CCRB on April 11, 2019. The complaint was filed two years after the incident date. On February 11, 2017, PO Jose Santiago, PO Joel Ayala, PO Juan Gomez, PO James Tobin, and Sgt. Charles Cavallaro from the 52<sup>nd</sup> Precinct arrived at §87(2)(b) Bronx. Sgt. Cavallaro entered and searched of the §87(2)(b) s apartment (Allegations A and B -Abuse of Authority: \$37(2)(9) and officers found a semi-automatic rifle and a sawed-off shotgun (Board Review 02). Once inside, PO Santiago allegedly told \$87(2)(b) a favor and shut that fucking dog up before I shoot that shit in the face." and called her a "bitch" several times (Allegation C – Discourtesy: § 87(2)(9) (Allegation D – Abuse of Authority: § 87(2)(9)  $\blacksquare$ ) (Allegation E – Offensive Language:

This case was deemed sensitive due to New York Daily News coverage.

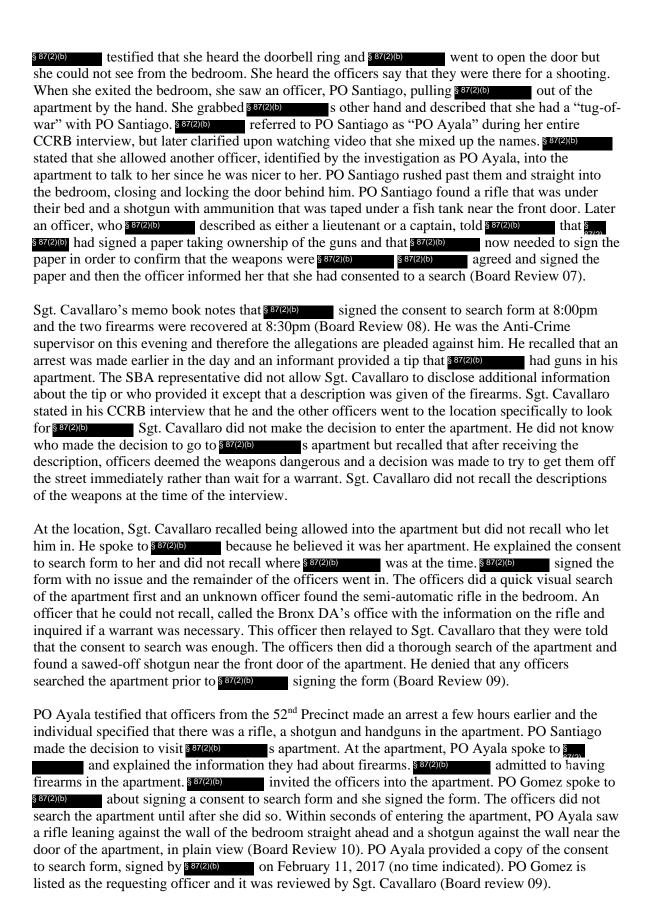
possession of a weapon (Board Review 03). §87(4-b), §87(2)(9)

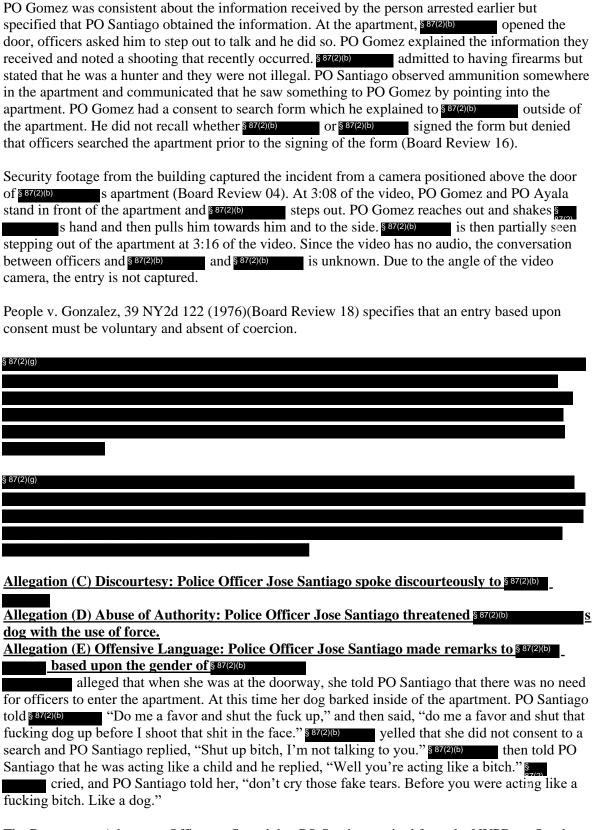
Surveillance footage from the building was obtained for this case (Board Review 04, 05). The officers involved did not have body worn cameras at the time of this incident.

## **Findings and Recommendations**

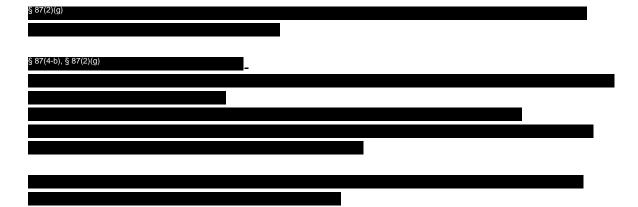
was arrested for possession of a loaded firearm and

Allegation (A) Abuse of Authority: Sergeant Charles Cavallaro entered
in the Bronx.
Allegation (B) Abuse of Authority: Sergeant Charles Cavallaro searched
§ 87(2)(b) in the Bronx.
It is undisputed that the officers were looking for guns at \$87(2)(b) s apartment based on
information they received from an earlier arrest. It is also undisputed that the officers did not have a
warrant to search the apartment, but § 87(2)(b) signed a consent to search form at some point
during the incident.
And of Col. 14 1 12 12 12 12 12 12 12 12 12 12 12 12 1
At the time of the interview, \$87(2)(6) did not recall most of the incident and testified based on
building surveillance video provided by his private attorney, \$87(2)(5). According to \$2.721
he opened the door to his apartment after hearing a knock at the door. He alleged that an
officer, identified through the investigation as PO Juan Gomez, shook his hand and pulled him out
of the apartment. Two officers then entered and searched the apartment. PO Gomez explained to
that they were looking for a firearm involved in a shooting the night before. One of
the officers, identified through the investigation as PO Santiago, came out of the apartment, and
that they found a rifle. PO Santiago asked \$87(2)(b) to sign a consent to
search form and he refused. § 87(2)(b) stated that he was informed later by § 87(2)(b) that
officers coerced her into signing the consent to search form after the officers searched the
apartment. §87(2)(6) was arrested and informed later that officers also found a sawed-off
shotgun in the apartment. § 87(2)(b) admitted to owning the firearms but stated that he got them
as a gift. He stated during the interview that the rifle was under the headboard of his bed in the
bedroom and the shotgun was in a tennis racket case under a fish tank near the apartment's front
door (Board Review 06).





The Department Advocates Office confirmed that PO Santiago retired from the NYPD on October 1, 2017. He was therefore not interviewed (Board Review 11).



## **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 13).
- This is the first CCRB complaint to which \$37(2)(b) has been a party (Board Review 14).
- Sgt. Cavallaro has been a member of service for 14 years and has been the subject in 24 CCRB complaints and 65 allegations, of which 14 were substantiated. §87(2)(9)
  - CCRB 201607995 involved substantiated allegations of question, vehicle stop, and vehicle search against Sgt. Cavallaro. The board recommended Formalized Training and the NYPD concurred with the findings.
  - CCRB 201703705 involved a substantiated allegation of a question against Sgt. Cavallaro. The board recommended Command Discipline B and the NYPD concurred with the finding.
  - CCRB 201802098 involved substantiated allegations of a frisk, search and a vehicle stop against Sgt. Cavallaro. The board recommended Command Discipline A and the NYPD concurred with the findings.
  - CCRB 201804513 involved substantiated allegations of an entry and search of a premises and a threat of arrest against Sgt. Cavallaro. The board recommended Command Discipline B. The NYPD has not yet come to a determination.
- PO Santiago is no longer a member of service but had been the subject of 15 CCRB complaints and 41 allegations, one of which was substantiated.
  - CCRB 200813545 involved a substantiated allegation of a vehicle stop against PO Santiago. The board recommended instructions and the NYPD concurred with the decision.
- PO Gomez has been a member of service for seven years and has been the subjectin 18 CCRB complaints and 39 allegations, none of which were substantiated. §87(2)(9)

## Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 9, 2019, \$87(2)(b) stated during his CCRB interview that he did not file a Notice of Claim in regards to this complaint.
- § 87(2)(b)

	For this case, \$87(2)(b) pled guilty to Criminal Possession of a Weapon in the 3 <sup>rd</sup> Degree and was imprisoned for one year (Board Review 15).						
Squad No.:							
Investigator: _	Signature	Print Title & Name	Date				
Squad Leader: _	Signature	Print Title & Name	Date				
Reviewer: _	Signature	Print Title & Name	 Date				